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A

LETTER
To a FRIEND,

Reflecting upon the

Preſent Condition of this NATION,

And Demonſtrating, An

EXCLUSION

OF

His Royal Highneſs

FROM THE

SUCCESSION,

To be Unlawful and Unjuſt.

SIR,

THE imparting of melancholy reflections, though it ſeldom affords a cure, yet it generally promotes an eaſe to the Patient, eſpecially when 'tis certain; the Confident will not only give his pity, but both his Intreſt and Friendſhip will engage him an equal Participant. This conſidered incouragement does not a little prompt a relation, Sir, to you, what rational grounds I have to fear the very Baſis of our Government: the beſt of Governments is in too great danger of ſuffering under the ill wiſhes, and endeavours of ſome amongſt us, unhappily ſucceſsful to it's mighty diſadvantage. 'Tis as ſtrange,

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as true, that now even whileſt our juſt wounds cauſed by rebellion are freſh upon us, that now even before the ſmart of Judgment for diſloyalty be over, we ſhould with the fierceſt precipicious zeal, and madneſs, uſe the direct means to make thoſe wounds bleed afreſh, to multiply thoſe ſmarts, as if our own miſery, our own misfortunes were the only Object of our moſt eager deſires. He's now pointed at as ridiculous, derided for ſingularity, and want of inſight into things, denied to be a member of the honeſt well meaning party, who cannot ſpeak, as well as ſit with patience and delight to have erreverent ſpeeches of ſuperiours, evil ſpeeches of Dignities. Our King the beſt of Princes, his Councels are anticipated, his deſignes foreſeen, and his managements expoſed, his Majeſtie is repreſented popiſhly affected, a favourer of popiſh Rebels, yet the ſame perſons confeſs, 'twas his life was ſought for, as the only way to extirpate Proteſtantiſm, and to propagate Popery. The Duke he muſt be condemned for a Papiſt, and muſt ſuffer nothing leſs than diſinheriſon. The Clergy likewiſe are tainted with the diſeaſe, & accuſed of inſtilling ill Principles into their Auditors, of being abettors in the bringing in French-government, & Tyranny. That theſe, and ſuch as theſe are the continual divulg'd judgments and reproaches of too many wherever we come, its being ſo well known ſuperſedes any need of proof.

Yet thoſe very men are ſo violent againſt Romaniſts, they would have them even condemn'd unheard; becauſe (and for no other reaſon if we will or can believe them) Romaniſts are Traytors, and indeavor the eradicating of the Proteſtant Religion. But would they have us believe them loyal, becauſe they vent grievous exclamations againſt Traytors, when at the ſame time they openly ſhew themſelves to be ſuch? Would they have us preſume then Champions for the Proteſtant Religion, becauſe they proclaim a fiery Zeal for the preſervation thereof, when at the ſame time they do what in them lies to overthrow it, by that ready way of aſperſing the Clergy, and bringing other Odiums upon the Church? No, certainly this Zeal cannot be the product of Loyalty to the King, or due honour to the Church or Religion, but rather of anger againſt theſe preſuming Rebels, that will not ſuffer our phanatical holy ones to have the monopoly of theſe, and ſuch like wickedneſſes.

And let no mans prejudice make him ſo illogical to infer, that what is or ſhall be ſaid, tends to extenuate the crimes of any whatſoever Traytor: for I only mark out thoſe that are or would be ſuch, thoſe (whom ſince the neck of the late damnable Plot is broken) we have more cauſe to fear than Jeſuits.

For it is not a ſad obſervation to ſee, what multitudes of ignorant people are ſeduced by that old and little artifice of giving the name of Papiſt to all that are againſt Phanatick Intereſt? ſo that let a man talk as charmingly as he can; let him play the Logician as forcibly, 'tis all in vain. Tell theſe trapan'd wretches that he's an ill, and impolitick contriver, who to quench the flames at one end of his houſe, will ſet the other end on fire; tell them there's a better way to preſerve Churches from being the place of Image Worſhip, than to call in the aſſiſtance of thoſe, who will demoliſh Churches for having Paint in their Windows. That there's a better way to preſerve our Service from Popiſh Superſtition, than by introducing the Superſtition of the contrary kind. Nothing of all this

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can diſſuade them from Deifying thoſe men, who make unreaſonable Clamors againſt the Governors, as being remiſs in proſecuting and puniſhing Popiſh Offenders.

And no wonder if all that hath been ſaid prove ineffectual, when Demonſtration itſelf (the moſt commanding Proof) is rejected; For we cannot be believed that His Majeſty hath done, as much as any King can poſſibly do againſt Offenders, though we demonſtrate it true by an induction of particulars, and ſhew that no King can do more, than lay his ſtrict Commands on, and give Encouragements to all his Subjects to find out, and apprehend all Offenders; when found out and apprehended, to confine them till their Tryals; when tryed, and proved guilty, to put the Laws in execution. But His Majeſty hath done all this.

Of the firſt Part, His almoſt daily Proclamations are a ſufficient Evidence.

As to the ſecond Part, Juſtice hath been ſo far from being remiſs, that there are ſome at this time under Confinement, who being accuſed but by one Witneſs onely, have lay'n in Priſon this full Year, or more, and could not in all that time by any means come to their Tryals, and yet no Bail would be taken for them.

As to the third Part, We all know many of theſe Plotters have been legally Convicted, not a man of which is living, but every one of them without Favor, or Pardon, hath received his juſt Reward.

There is no doubt had not His Majeſty (who is indeed naturally inclined to mercy) proved more merciful to the *Scotiſh* Rebels, who were not long ſince actually in Arms, we had had as great a noiſe to ſtop, as now we have to hurry on Juſtice; for they, and moſt of our Petitioners are of the ſame ſort. The truth of which who can queſtion, when he obſerves many of the Leaders of theſe Petitioners to be old Colonels, Captains, *&c.* that have received benefit by the Act of Oblivion, men that have taſted the ſweetneſs of Church-Lands, and know, by their own experience, how to act Rebellion, which is evident even from their very managements; firſt they infuſe an ill Opinion into the unwary, and inconſiderate *Mobile* of the preſent Government and Governors, and then get their Subſcriptions to ſeditious Petitions; theſe were the very ſteps of one, and I wiſh they prove not of a ſecond open Rebellion.

But amongſt theſe Colonels, *&c.* there may be one of a higher rank, a Man fuller of Craft than Honeſty, or Religion, who, to gratifie a proud, and peeviſh humor, has offer'd his Royal Highneſs ſome great perſonal Affronts, which makes him dread his ſingle condition will not be ſo happy under the Duke's Government; and therefore through a foreſight of his own private Grievance, thinks it the beſt policy to become Nationally afflicted, and ſo the People muſt be terrified with the ſad conſequences of a Popiſh Succeſſor, becauſe he fears the Duke's juſt reſentments of his own impudence; and perhaps this is no ſmall reaſon why the point of Succeſſion is ſo often reſolved againſt the right and lawful Succeſſor.

Who is not now ſo well learned in the Statute Law, to tell you, He ſhall incur the Penalty of Treaſon, that diſallows a Power in the King and Parliament to diſpoſe of the Crown? And truly he may be condemned for a Fool, as well as Traytor, that denies the Supreme Power in any Government

vernment whatſoever to be uncontrolable; there muſt of neceſſity be one Supreme uncontrolable Power in all places, to prevent the Confuſion which elſe would inevitably follow; no doubt therefore this, and all other Power is in the King and Parliament: But whoe're affirms the Power may be unjuſtly uſed, and that though for uſing it unjuſtly they are unaccountable in this, yet they muſt give account in another world, he need not be aſhamed of his Aſſertions; The queſtion therefore will be, Not whether there is a Power can defeat the Duke of his Succeſſion, but whether his Circumſtances conſidered they can juſtly ſo do?

In the diſcuſſion of this Point, many of his Royal Highneſſes Friends have appeared more Zealous, than Learned: For ſome of them have relied upon the bare producting of a great many Examples, leaving ſtill the main Point in queſtion, whether thoſe Examples were juſt, or not, never minding if ſuch ſort of arguing were of force, not only their Antagoniſts might uſe the ſame, but alſo the greateſt Villanies in the world might be eaſily juſtified.

Others have argued Monarchy to be *Jure Divino*, and gone about to prove by Laws of Nature, and by Scripture, the Succeſſion Sacred, and have argued the Excluſion of the Duke Perjury, becauſe of the words *Heirs and Succeſſors*, in the Oath of Allegiance.

The Anſwerer of theſe *Weighty Conſiderations* hath no cauſe to boaſt of a Victory, and yet would he have us believe our Cauſe is loſt: But this is not a Caſe at Bar, wherein, though an impertinent Iſſue be join'd, the Cauſe depends upon the deciſion of the Iſſue; from all therefore that hath hitherto been ſaid, it doth not appear our Cauſe is either bad, or loſt, or that the Duke's Adverſaries have acquitted themſelves from being notorious Immoraliſts, and with that I charge them. To prove them highly ungrateful, I need no more than remind them,

Firſt, How often they have complain'd of others, who ne're had Power adequate to his Royal Highneſs for accumulating Riches at the Nations coſt, and that they could never ſo much as ſuſpect him to give the Nation the leaſt Grievance by things of this nature.

Secondly, That this Great Man hath as freely expoſed his Life in his Countries defence, as the moſt mean and common Soldier; and what hugely aggrandizes that generous voluntary Act is this, That his aim could not poſſibly be at Preferments, or Riches, the uſual Inticements to ſuch hazard: His motive therefore could be nothing, ſave a great and mighty ardor for his Countries ſafety. And ſhall ſuch Obligations as theſe be eaſily cancelled? Shall a miſtaken Opinion in matters of Religion not only root out the remembrance of theſe obliging evidences of his kindneſs, but be a ſufficient Argument alſo for the proſecution of his ruine? A moſt unreaſonable thing! Yet this is his caſe, he is ſuppoſed to differ from us in matters of Religion, and therefore he may be juſtly diſinherited. This is that groſs abuſive Elench the Devils ſubtle Agents hath put upon many well-meaning ignorant men, and for their ſakes it ſhall now be expoſed by as plain and familiar reaſonings, as the nature of the Subject will bear.

Give me leave to ask all vehement Sticklers for Liberty and Property, what they mean by thoſe terms? Is it not to be under the protection of reaſonable,

reasonable, known and determinate Laws, that we may have other measures of our Duties and Punishments, other measures of what we may call ours, than the will of the Imposers. If it be (which no doubt they must confess) let them shew by what known determinate Law, the Duke hath forfeited the Inheritance, which a known determinate Law hath given him. If there be none, but that they would have a Law made for that purpose, this according to what is before laid down, and the true Notion of Liberty and Property destroys both; for at this rate no man can be certain of any thing. Who can call that his, if the Legislators may justly dispose of it when they please, by declaring first some Act, or some Opinion to be erroneous, and then that Error to be a good cause of Forfeiture? Who can promise himself one minutes liberty; for when the Legislators please to declare something a defect either in my body or mind, and then that defect to be a just cause of Banishment, or Imprisonment, there's no Injustice in the case, I suffer as justly as the Murderer, 'tis true this the Supreme Power may do by its unaccountable Prerogative in Government, nay, much more, it may hang all that have grey, or black eyes, and for no other reason, but how equitable all, or any of these things are, a mean capacity may judge from what hath been said.

However I will yet more fully illustrate this matter by my Lord *Strafford* his Case; in the management of which, I shall first shew, there is no difference between his, and his Royal Highnesses Case, in which his Royal Highness has not the farther dealing. In his Case, the Parliament were something countenanc'd in their Proceeds, by an Act made 25 *Ed.* 3. wherein is a power left in them to declare, what other Facts are Treason, besides those already so declared, but in his Royal Highnesses Case they have no such plausible pretence; his Offences were Faults in Fact; this only Error in Opinion; his Faults were proved against him, and himself heard in his own Vindication; here (as I shall presently more fully observe) his Royal Highness must be Condemned unheard. Thus far the Cases differ, and no farther; For 'tis in the Case of both, to have a Law made on purpose to condemn them, and to suffer more for their Offence, than stands with the allowance of known determinate Laws.

But notwithstanding the more plausible Pretences for *Strafford*'s Punishment, yet His late Majesty shewed himself the most sorrowful Penitent, by his repeated Sighs, and passionate Exclamations, for shedding innocent blood. He well knew, if there was no Law broken, there was no Transgression, and without Transgression 'twas unjust to punish. He well knew, if there was a Law broken, that 'twas Injustice to inflict a greater Punishment, than that Law had provided. Nay, the Parliament themselves were ashamed of their own Act, which appeared by their Declaration, *That it should be no President.* And yet now how many are fiery hot for the acting of a thing of the same nature, that the same, if not a stronger Reason prohibits: So that if their mutinous desires were gratified, His present Majesty should be as guilty of unjustly removing His Brothers Landmark, as His Predecessor thought himself in shedding innocent Blood. Let our Phanaticks therefore if they can (who now look toppingly, and like the Whore spoken of in Scripture, wipe their mouths, as if they had done, or designed no harm) quit them-

ſelves from this *dilemma*, either 'tis juſt to inflict greater puniſhments for offences, than the known Laws have determin'd, or not; if not, the Duke cannot be juſtly diſinherited; if juſt, then firſt *Strafford* did juſtly ſuffer, and His Majeſties tears of Repentance were but the Sacrifice of Fools. The Parliament too are very much to blame, who upon ſecond thoughts preſum'd that Act unfit for a Preſident.

2. Down goes Liberty and Property, there's at once a compleat Surrender of both them. And what prodigious Monſters are theſe that can in one and the ſame breath, cry for and againſt one and the ſame thing. But what makes their noiſe (if it be poſſible) more harſh, what makes them ſeem men that yet leſs conſider Juſtice and Equity, is this, They would have a Law to diſinherit the Duke for Popery: But ask whether they would have a Law, that all men ſhould be thus ſeverely puniſhed barely for diſſent in opinion in matters of Religion? No, that they deem a Law groſly unjuſt, elſe what mean their perpetual Clamors for Liberty of Conſcience? elſe what mean thoſe continual Exprobrations of Governors, for diſturbing unlawful Conventicles? 'Tis plain therefore in their own Opinion, ſuch a general Law is not allowable. But however a Law of this nature to reach ſome particular individuals (provided always they be none of their Fraternity) is, with them, agreeable to reaſon: For my part, I cannot apprehend by what Logick 'tis maintainable, that that may be juſt to one, or few, that will not be ſo to many, and all; for ſurely Juſtice is the conſtant, regular, and equal diſtribution of Rewards and Puniſhments; ſo that in all well-regulated States, all Subjects muſt have equal Puniſhments for equal Faults.

Let one of them ſuppoſe himſelf ſo unhappy to have kill'd a man in his own defence, the Law in that caſe hath declared only a Forfeiture of Goods and Chattels, but the Lawmakers ſay, though 'tis ſo declared, and though all other men guilty of this Fault ſhall lie under no greater Penalty, yet you ſhall hang, and your whole Eſtate ſhall be forfeited; I ſay, let any one of them fancy himſelf in this condition, and then tell me, Whether he ſhould not believe this hard meaſure in the ſuperlative degree? Yet either this Caſe is juſt, or the Duke's unjuſt; for what can be ſaid here, that may not be urged for the Duke? We can ſay, the Laws have not declared ſo great a Penalty for this Offence. We can ſay, that no man ever did, or is ever likely to ſuffer ſo much for ſuch Offence.

Truly if ſuch Principles as theſe will hold, we are like to be brought to a fine confuſion; one ſhall be impriſon'd but for two days, a ſecond ſtigmatized, a third only loſe his Eſtate, a fourth ſhall be deprived of both Eſtate and Life, and all theſe ſeveral Puniſhments for one and the ſame Fault. This is not to be allowed, for the very confuſion it brings, much leſs when it undermines the very Foundation, the very Being of Juſtice, which is rendering to every man according to his works. And whether moſt unequal proportions for equal things be a fulfilling of that Law, I leave to my undeſigning men to judge.

To ſtop the force of this Argument, perhaps it will be objected, I ought to have diſtinguiſhed between Popiſh, and other Diſſenters, and then they would have allowed that all Papiſts as well as the Duke may, for no other reaſon than being Papiſts, juſtly ſuffer Diſinheriſon, by which Conceſſion, the Arguments drawn from the inequality of Puniſhments, would fall. I am ſure, I know no diſtinction will make for Phanaticks; indeed Papiſts

are for pulling down Heretical Kings, the others are for pulling down all Kings Heretical; or else, Papists are for contriving the ruine of Heretical Kingdoms, the others are actuated by them, are their instruments to put their contrivances in execution. If therefore we may be supposed to fear them less than Papists, it can be for no other reason, but because they have less management, not at all less wicked intentions.

However let us see the consequences of this, That all Popish Dissenters, barely for their Dissent, may justly suffer Disinherison: if so, 'tis time to throw away our Book of Martyrs; for we can upbraid them no longer with that, they can now recriminate, and argue *ad hominem*. 'Tis true, they thought it just to take away our Being, but we think it just to take away their Well-being, and perhaps to most men the first condition is more eligible. Besides all this, what a Rod does this make for Protestants in Foreign Parts; for if the severest usage of Papists, even to their utter ruine, be justifiable, barely for dissenting in Opinion, then a persecuting return upon Protestants in Popish Dominions is justifiable; for 'twill be no very passable Plea for us to urge, we punish them for Error, they punish us for Truth; Who shall be Judge of that? They will retort what we say, and which side soever pleadeth thus, begs the main Point in question between us. They are as confident they are in the right, and we in Error, as we can possibly be of the contrary. There is no rule therefore for our Behaviour one towards another, but to do as we would be done by.

Thus much in answer to these violent Objectors, and we will now address our selves to the more moderate, who will condemn such a general Law against *Romanists*, and yet argue the Duke may be justly disinherited, because 'tis for the good and safety of the Kingdom, for the preservation of the Protestant Religion. To this I answer,

First, That this is all but bare surmise; for suppose such a Law made, how can we be assured the Duke will in his Conscience believe this a good and binding Law? And if he does not, can we believe a Man of his Courage will tamely acquiesce, and lay down those which he thinks just Pretensions to a Crown? Such a Law therefore in all probability would cause so much Bloodshed, as to leave the Victors no reason to triumph. But if his Royal Highness (being as they pretend a Papist) should be successful, how can the Protestants expect the least favour from his hands, who have dealt with him so roughly? 'Tis therefore altogether as likely, That that which is vainly fancied would be the Safety, might prove the ruine of the Kingdom; that that which is vainly fancied would be the Preservation, might prove the Extirpation of the Protestant Religion.

Secondly, That the safety of the Kingdom, and the Preservation of the Protestant Religion, depends upon the making of such a Law, is but bare surmise, because the Duke is not yet convict of Popery; and if he were, it cannot possibly appear but he may see the Errors thereof, and repent. He therefore that positively objects this, must swallow those two uncharitable Suppositions; first, that his Highness is a *Romanist*; and secondly, that he will never repent. But however unreasonable, and unchristian like this is, we will suppose it all, and admit too the Law will have those effects they pretend; yet if it be granted, that such a Law is not just for a bare dissent in matters of Religion, abstracted from these con-

conſequences, then I do affirm, the addition of theſe conſequences can never make ſuch a Law juſtifiable; for nothing can be more perſpicuouſly plain, than that this is doing evil, that good may come of it; and is no more, than the preſervation of a good Religion by a bad Law.

How blame-worthy therefore were thoſe, that marked out to the Rabble all Diſſenters from the late Bill againſt the Duke, as Conſpirators, Betrayers of their Countrey, and what not? perhaps conſidering too, they brought His Majeſty into this number, who in His Gracious Speech declared, *He would not alter the Succeſſion.*

And truly this Bill, their Darling, were it well examin'd, would be found to be a condemning a man without legal Conviction, without ever being heard, whether he could clear himſelf in what is laid to his charge, a juſtice always done, always allowed the worſt of Criminals.

Perhaps many may think this a groſs reflection upon the late Houſe of Commons, till they recollect many things have paſſed twice, that have been with ſcorn thrown out the third time of reading; nor do I in the leaſt ſcruple, but that this Bill had underwent no other Fate.

And now upon the whole matter, how can we look ſuperficially upon theſe Comminations, what Loyal Subject, what Lover of his Countrey can be free from amazing terrors? when every Cobler is deciding, who ſhall Reign; when the Preſs is crowded with diſloyal, treaſonable Pamphlets, and the freedom of Peoples tongues, equals that of their thoughts in treaſonable matters; when deſigning Fellows are venting multitudes of Contradictions *ad faciendum populum*, that by any means they may work their ends, ſometimes encouraging them to preſerve Liberty and Property, at other times (which deſtroys both) telling them 'tis juſt for a man to ſuffer more for an offence, than the known determinate Laws allot, and ſuffer too unhead, ſometimes repreſenting what a grand Grievance 'tis to want Liberty of Conſcience, at other times maintaining it juſt for a man to ſuffer Diſinheriſon for an Heterodox Opinion in matters of Religion; when, I ſay, the ſerious conſiderations of theſe Premiſes preſent themſelves, what ſad but natural Illations may we draw? How can we leſs expect (without the moſt watchful prudence in the Magiſtrate, join'd with a merciful Providence) then a relapſe into all imaginable confuſion, than that we may a ſecond time uſe for *England*, King *Ageſilaus* lamentation for *Greece*, *O infelicem Græciam quæ tantum hominum ipſa ſibi interemit, quantum ſatis eſt ad univerſos vincendum barbaros!*

Here I ſhould conclude, did I not fear his Highneſs might think me at leaſt rude, if not wholly without Apology, were not ſomething offered to excuſe this weak defence of his Right. When I ſaw our right and lawful Succeſſor, our next Father of our Countrey aſſaulted, my loyal affection forced my unexperienced Pen, as it did the unuſed tongue of the King of *Lidya*'s Son, when his Father was in danger, to cry out, *O ſave my Father!*

Now, Sir, I have nothing more, but to ask your Pardon for detaining you thus long upon ſo ſad and nice a Subject, and to aſſure you that I am

Dear Sir,
Your faithful Servant,
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